

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7393

Petition of Vermont Electric Power Company,)
Inc., and Vermont Transco LLC, for authority to)
condemn easement rights in property interests of)
Janusz W. and Janina Porowski, Banknorth,)
N.A., Mortgage Electronic Registration)
Systems, Inc. and Waterbury Homeowners)
Association, Inc. and its Individual Members, in)
Waterbury, Vermont, for the purpose of)
constructing the 115 kV transmission line)
portion of the so-called Lamoille County Project)

Order entered: 8/21/2009

ORDER CLOSING DOCKET

I. REPORT

Vermont Electric Power Company, Inc., and Vermont Transco LLC (collectively, "VELCO") filed on September 8, 2008, a petition to condemn easement rights across land belonging to Janusz W. and Janina Porowski in Waterbury, Vermont, which petition replaced in its entirety an earlier petition filed on December 28, 2007. A prehearing conference was held on December 19, 2008. By letter filed on January 6, 2009, VELCO advised the Public Service Board ("Board") that VELCO and the Porowskis had reached an agreement in principle and VELCO hoped to resolve this matter.

On July 24, 2009, VELCO filed a motion for dismissal pursuant to V.R.C.P. 41(a)(2). No objection to this motion for dismissal has been filed by any party in this proceeding. In addition, it appears that the only prejudice arising from dismissal of this petition would be to the party seeking condemnation of the Porowskis' property (namely, VELCO) and that party is now requesting the dismissal. Therefore, I conclude that the petition for condemnation may be dismissed and this docket closed.

This decision is not adverse to the interest of any party; it therefore need not be circulated to the parties pursuant to 3 V.S.A. § 811. This report is made to the Public Service Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 12th day of August, 2009.

s/Lars Bang-Jensen
Lars Bang-Jensen
Hearing Officer

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report of the Hearing Officer is accepted.
2. The motion to withdraw the petition to condemn is granted.
3. This docket shall be closed.

Dated at Montpelier, Vermont, this 21st day of August, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: August 21, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.